1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

875 2 or 3 measures (18 liters each) of oil, 20 to 25 *mudd* of raisins, and two pounds or thereabouts of butter from each adult man possessing one or more milch cows.

The pupils are supposed to bring money with them on the last day before the vacation; this is for the schoolmaster. Each pupil brings half a dollar at *aid el kebir*, a quarter of a dollar at *aid es sghir*, ten *soldi* (two *grush*) at *'ashor*, and fifteen *soldi* (three *grush*) at *el mulud*. At *haggus* the schoolmaster does not collect any money, but the families of the children send him food consisting of chickens, bowls of honey and butter, and various cooked dishes.

[291 872 During the vacations all the pupils sleep in the village mosque. They wear no jellabas, but dress in clean new shirts girded with Taghzuthi belts of many colors. They go around in a group from house to house in the *bone* and in all the *bones* of the *canton*, and sit in each house to recite a chapter of the Koran. When they have finished, the mistress of the house gives them eggs, chickens, and other foodstuffs. Later they cook these things in the mosque and feast and disport themselves all night. They play games, and often play at being a council, a sultan and his court, or a judge with plaintiffs and defendants.

875 794 The *fkih* of the cantonal mosque, the "preceptor," [1] is appointed by the council of the great. When he dies, moves, or for some other reason ceases to be preceptor, they appoint another. He may be a stranger or a native of the *canton*. He is paid annually three to four hundred *mudd* of barley, and butter, oil, and other products in proportion. The preceptor has charge of the land belonging to the cantonal mosque and works it with the warden, or hires share-laborers to work it, taking one half the produce and the mosque receiving half. He thus controls a considerable income.

872 574 431 When the pupils of the *bone* have learned the Koran by heart, they graduate and go to the cantonal mosque. Graduation is called *er kheithmith*, and is also frequently termed "the wedding of the sixty *ḥaiseb*," the sections of the Koran. It does not occur at any fixed time of year; whenever the student has fulfilled the requirements to the satisfaction of the preceptor of the cantonal mosque he is admitted. The graduation is accompanied by a feast given in the student's honor, attended by his family, invited guests, and fellow students. His father sacrifices a cow, some meat from which is eaten. *Seksu* and honey are likewise eaten upon this occasion. The guests usually bring gifts with them. Gifts, in the Rif, usually consist of edibles, and especially things which cost money, such as sugar and tea. Candles are also in this category.

871 This system of education is widespread, and is found in all the sedentary tribes. Among the nomadic tribes only wealthy men send their children to school, which consists of a special tent occupied by a schoolmaster and moved, when the camp moves, by different men in rotation.

[212 789] In the cantonal mosque the students [2] learn to improve their writing, since many of them fail to learn to write well in the village mosque, where most attention is paid to memorizing the Koran. In the cantonal mosque they also learn magic, studying obscure books and compiling from the Koran and from other sources charts to be used as lexicons in magic.

[1] So translated to distinguish this *fkih* from the schoolmaster, and partly because the preceptor is a religious teacher as well as an educator.

[2] Students who have graduated from the village mosque are called *taleb* (plural *tolbe*). Since in the text the pupils attending the village mosque have in every case been specified as such, there is no need for qualification of the word *student* as used in translation of *taleb*.

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

One of the principal occupations of the students consists in copying the books of the preceptor, since it is impossible to buy books, and the only way to accumulate a library is to copy it off by hand. In order to get a greater variety of books students often travel from *canton* to *canton* through many tribes.

Some of the books are in Arabic and some in Berber, not necessarily of Riffian dialect. Many are in the dialect of the Sous. Most of the books deal with magic and religious problems, but a few of them deal with history and geography. There are also books written in a numerical code, called *el ughabari*, which the students use as a secret means of communication. There are many different kinds of *el ughabari*, and many different codes, but all are based on numbers. Another system is to use a set word for each letter in the alphabet, and to spell out the message, a word for a letter. This system is used in speech as well as in writing, and has the disadvantage of being very lengthy and tedious. It is called *er unsas*; students use it when they want to say something uncomplimentary about someone present.

Students travel from mosque to mosque in order to absorb the learning of different preceptors who have specialized in different subjects. To obtain what is considered a well-rounded education a student must thus fulfill a considerable itinerary. Some preceptors are popular and draw crowds of students from all over the Rif; others teach the local students only.

Wandering or visiting students are fed by the people of the *canton* in which the mosque is situated. Families send food every day to the mosque. Goats are often sacrificed in cantonal mosques containing saintly remains, and the students and their preceptor take half the meat, giving the warden the other half.

There is no fixed time for the completion of studies in the cantonal mosque. When a student is satisfied with his state of erudition, feels that his share of labor is needed by his family, or wishes to marry, he simply stops going to the mosque and spends his time farming instead. Most students stop when they get married; those who continue after marriage do so with the intention of adopting a professional career. Some prefer the indolent, wandering life of the student to the restrictions imposed upon them by marriage, and roam about, living off the land, until they are old. In most cases the latter type of student goes sooner or later to the Jebala and affiliates himself with some religious brotherhood.

Besides being fed by the *canton* in which they study, the students earn money by tailoring and embroidering jellabas, shirts, trousers, and other garments. Ex-students usually embroider their wives' garments for them. They also earn money by chanting from the Koran at funerals and weddings. They are immune from physical violence, and can pass from tribe to tribe with impunity, no matter what the state of affairs may be, except during those periods when the tribal council fails to meet and all law has gone from the land.

A student who aspires to become a *kadhi*, or "judge," must attend either the mosque of Sidi Bu Daud in Temsaman, that of the Beni Mejrau in Beni Zerwal, the university at Tangier, or the Kairawiin university at Fez. At the Kairawiin the student enters the secular, not the religious, college.

Whichever of these institutions the student attends, he studies law and related subjects until he has qualified himself as a judge and has obtained a certicate to that effect from the bead of the institution. Formerly very few Riffians studied in Fez, but in recent years the number has been increasing.

5: Blanco Izaga G-4,5 (1914-1945) 1975 MX3 Rif MX3
Aith Waryaghar

583 The foundation of the nuclear family is through marriage,
584 which in the Rif is a "contract of buying and selling"[27], for, as the result of an amount (i.e. of money) stipulated by her father, a woman becomes her husband's absolute property[28]. A petition is made by the father or legal representatives of the woman; he, or
583 they, fix the bride-price (ssdhāq) and the manner of payment. This
584 contract, until very recent times, was unwritten[29], and the fact
212 that the jma'ath knew of the agreement was sufficient (to make it binding). Even today (1935), most old men do not have paper (i.e.
583 documents--r-knwaghadh, sing. r-kinghadh.)[30] By virtue of this
584 contract, a woman, who is never her own mistress, changes owners
562 and becomes the property of her husband, who uses and abuses her as
593 such, always for his own benefit, either improving her lot or
586 abandoning her[31].

583 Of all the acts which must be performed prior to marriage, none is as important as (payment of) the bride-price; and the day that the boy's father and the girl's father are together in the latter's house, accounts are settled and the former hands the bride-price over to the latter. From this sum, the bride's father buys his daughter's trousseau, with an advance on account from the groom; the latter's representatives, some friends and a fqih are also in attendance. Part of the bride-price is given to the father (immediately) so that he can buy clothing for his daughter; the rest of this clothing is bought by the groom; and the remainder of the bride-price is paid in money[32].

623 5) Councils and Tribesmen of Authority: All units under consideration up to now (the three "family" ones and the three "social" ones) have their relationships regulated by councils, which, although bearing different names, have similar and analogous functions. The council of the jma'th must undergo no formality in order to convene, and it has no president, although at times the agreements which it comes to are drawn up in writing. Any male (above the age of puberty) [885] [613] may attend and take part in its deliberations; but the personification of it is embodied in the iziddjifen or headmen of each dharfiqth, and these men together form an authentic and permanent council. This council above all legislates what the jma'th deems necessary, in conformance with custom and its agreements. The assembly itself or its representatives chosen for each particular case[86] make and execute all decisions. It is thus a legislative, consultative and executive body[87]. Its attributes, nonetheless, are constantly limited on the [614] one hand by family law, in the form of reprisals, and on the other by the power of the clan, which tries to keep it from prejudicing neighboring jma'th-s or the clan itself in its external politics. Thus, what it has is an administrative autonomy.

623 This council(s) elects its functionaries, the best defined of 793 which is the fqih of the mosque, who is in charge of leading the ● 212 prayer and of burial services; he is administrator of mosque property (habus)[88], as well as jural notary and council clerk and secretary. In large councils, however, these jobs may be handled by more or less ignorant tulba (sing. talib)[89], who pompously attribute to themselves 600 the qualifications of qadis. The fqih attended to the resources of the

631 augmentation to the "building" or "house" of Rifian society (of which
621 the traditional jma'th is the "cornerstone").[141]

631 Aith Waryaghar, then, could be organized in the following way:

619 I) QA'IDATE OF L-UTA: Shaikhate of Aith Yusif w 'Ari --12 jma'ths
621 Shaikhate of Imrabdhen --15 jma'ths

II) QA'IDATE OF NKUR: Shaikhate of Bni Bu 'Ayyash --16 jma'ths
Shaikhate of l-Jbil --16 jma'ths

III) QA'IDATE OF UPPER GHIS: Shaikhate of Bni Hadifa --12 jma'ths
Shaikhate of Bni 'Abd Allah --16 jma'ths

Total----87 jma'ths

000 If this organization is applied to the other tribes[142], the patron must be remembered in salary gradation, so that salaries do not turn out to be prejudiced as the Aith Waryaghar have been, up to now, both in salary and category of their office-holders and tribal authorities.

Ajdir, August 27, 1935.

I) Notes on the Igzinnayen:

101 1) Etymology and Language:--The word Gzinnaya (Rifian Igzinnayen) is derived from Berber gizna, meaning "libertine"[143]. The
191 tribesmen of Igzinnayen are bilingual, although even so, Rifian speech has a far greater predominance over Arabic. Their men of letters
● [212] (fqihs, etc.), although they know how to read and write Arabic, express themselves very poorly in that language, and their grammatical construction tends to be bad. Knowledge of French is extremely slight,

∞∞ [114] 71--Blanco assigns the jma'th a predominants geographical or territorial role, while the dharfiqth is given a genealogical one. So far, so good; but, at the risk of adding to the confusion, I think that Blanco mistakes jma'th in this context with dshar, "village, hamlet, community", for jma'th invariably embodies the idea of "people". However, it does not embody any notion of genealogical relationships, and thus Blanco's error is minor, and thoroughly understandable.

[114] 72--Not, obviously, in a literal sense; but even though Blanco no doubt employed it to bolster his ideas on lineage and segment shifts, the word was badly chosen.

[411] [648] 73--Rifles turned in to the Spanish authorities (often with grave reluctance on their owners' part) after pacification of the Rif in 1926 often formed an index, in administrative reports, to a tribe's fighting strength.

74--We know of no mosque in the Rif which only serves a single family, well-to-do or not.

[212] 75--Qanun, pl. qawanin, is, in Rifian parlance, a document drawn up in Arabic which records decisions of the village or tribal council on matters of local interest; or, more often, it merely refers to such decisions themselves, without benefit of documentary evidence.

[619] 76--By this Blanco means that an offshoot of jma'th A which through the process of lineage scission has moved physically to tribe B will have property in tribe B. This stands to reason; but the only ties which the new jma'th retains with its "brother" in its former home are those of memory and sentiment. For all practical and functional purposes, it is now a naturalized subsegment of another tribe, and it must conform to the custom of that tribe.

[114] 77--Blanco's theory of clan autonomy is most interesting and challenging, and is discussed at some length in La Ley Rifeña. It has, however, one grave shortcoming: its omission of the fact that such clan autonomy is always relative to the tribe. Vide our article "Emilio Blanco Izaga and the Berbers of the Central Rif", op. cit., 1958, p.194.

[648] 78--Blanco does not say, but it is possible that such sites may be attributed to the "Portuguese", whom Rifians say once occupied the Rif until "our ancestors rose up against them and drove them out, brandishing sickles in their hands".

[114] 79--This is an error of fact, at least in part. Today, the Aith 'Ammarth and the Ibuqquyen have only one market apiece, the former on Mondays and the latter, at Ruwadi, on Sundays; and to my knowledge, except for one women's market which is now defunct, Aith 'Ammarth has always had only one market. Blanco's own market listing, furthermore, brings out this fact: I) Aith Waryaghar--Mondays at Aith Bu 'Ayyash and Aith Hadhifa; Tuesdays at Dharan n-Dhihlaliyin in the clan of Aith 'Abd Allah (this market no longer functions, having been superseded by the Monday market at Aith Hadhifa); Wednesday at Sidi Bu 'Afif in the clan of Aith Yusif w 'Ali (also no longer functioning and superseded by a newer market on Saturdays at Imzuren which was set up by the Spanish administration) and at Turirth for the three mountain subclans of Aith Turirth, Aith Timarzga and Aith 'Arus; Thursdays at Imrabdhen;

695 623 participants speak, and from time to time, whoever wants to (there is no single judge, and all present have the right to question the litigants) barks out a question or a sentence at them, and another, and another, until, when the contestants get tired, fed up, angry or have no more to say, things get excited, as a result of the loaded questions and confused answers; a certainty pervades the air which further emphasizes the responsibility and even the judging members of the jma'th, for some abandon the defense of the man fromtheir dharfiqth or liff as impossible, while others affirm their suspicions. The first judgment is not long in being pronounced, one of the most outstanding persons of the casually organized assembly (or jury) giving it as his opinion on the matter, and the rest adhering to it. In most instances, on seeing his case unanimously judged (in his disfavor), the individual responsible yields. If he does not, new people come into play and voice their opinions. If the matter is important enough to be a case which smacks of jurisprudence,[31] the meeting held the following Friday (in the mosque, prior to the noon prayer) is devoted in part to going over it again and adding up the greatest number of opinions (pro and con)--but not votes--in order to give wider publicity to the agreement and even to take it down in writing if necessary, if so stipulated.

[212] [794] If there is written proof, any talib hesitatingly deciphers the documentary evidence, but the members of the jma'th do not let him take a tr'ick (thus showing the power of the layman over the judge??) other than in a very discreet and impartial manner. Sometimes they agree to submit the matter to an arbiter outside the jma'th, for greater impartiality in the decision. At other times they decide to submit the

695 829 [181] the individual, in most cases. It therefore seems natural that the group rather than the individual (contrary to Islamic Law) proclaims its innocence[39].

695 212 [685] Although written proofs are admitted, they are not common, and are always submitted previously to a fqih for his consultation. Also, certain tulba were known to take advantage of their essentially notary function in order to falsify documents (one man even wrote up false Sultan's dahirs, or imperial decrees, and was jailed in Tangier!); and this did not make for any great respect of written proofs in Arabic, a language which in any case the Rifians did not understand. [157] Even today (1935) a Rifian who possesses a document is always looking for people to translate it for him, as he is never satisfied with one man's word and always suspects that the man who drew it up for him either misrepresented him or lied to him. I have known Rifians who went to the French Zone and even to Spain in order to obtain proper interpretations of their personal papers! Only death will separate a Rifian from his r-kwaghadh![40]

695 Conciliation and arbitration are the preferential jural processes in this society, where victory is difficult and defeat is hard; and one is drawn to the idea that what actually takes place is more akin to "horse trading" than to justice, in the European sense of the word.

It seems to me that the collective oath is the Rifian equivalent of the European "word of honor", in its unadulterated sense[41]. It has [619] a social rather than a religious significance, and, in practice, very little ritual; it is carried out in the mosque under the eye of the rival or plaintiff, and of those who were in on the secret, a sufficient action for public demerit in the "Big Ones" (imqqranen)[42]

695 tribal one). To be able to swear, a cojuror had to be old enough to fast during Ramadan (i.e. to have attained puberty); and women did not swear.

The plaintiff had to be present at the mosque (and each tribe or clan generally had at least one mosque at which it was customary to take oath) when the accused and his cojurors arrived. When the latter arrived, they removed their footgear and weapons, as the plaintiff had done before them. Then the fqih of the mosque asked them what they were going to swear; they told him; and he made each one of them repeat it on the mushaf (Koran) after saying the oath formula "Bi-llahi alladhi la ilaha illa huwa!" (With God, of whom there is none other than He), the accused swearing first. The accused placed his right hand on the mushaf while taking oath, and each of his cojurors, in turn, did the same.

There were, however, instances in which the mushaf was not employed as a vehicle for swearing; and some say that these instances were more the rule than the exception, and that in them the oath formula was restricted to "Bi-llah" (With God) only. Others deride the practice and say that it was followed only by "ignorant people"; but, even so, the mere fact of its existence tends to place Rifian oaths at more or less of a midpoint between those in the Sus and Western Atlas, where the mushaf was always, without exception, employed, and those of the Middle and Central Atlases, where it was completely unheard of. It is in the latter areas that Berber oaths in Morocco reached their greatest purity and complexity. However, it should be said that in the Rif, unlike the Central Atlas region, the fqih, if the need demanded, repeated the oath as many times as was necessary for all the cojurors to understand it and say it after him; whereas in the Central Atlas, a different official, the anahkam, only repeated it once (the formula there was, in addition, more complicated than the Rifian one), and if any cojuror tripped up over it or got it wrong, the oath was broken; and the same applied if any of a group of assembled bystanders, whose function it was, in effect, to heckle the cojurors, succeeded in making him falter or stumble over the words, by yelling "'Auh! 'Auh! 'Auh!" (In the Rif, there was no such heckling, even though oaths, for obvious reasons, had to be taken publicly.) A further distinction was that in the Central Atlas, all important oaths were taken not at mosques, but at saints' tombs. There were many other differences in detail as well, such as number of cojurors required for various offenses and in the ramifications of the question of who pays in the event that some cojurors were either recusant or missing; but finally, and perhaps most relevant of all, the oath system in the Rif, encompassing fewer tribes and far less territory than in the Atlas, showed a far greater tribe-to-tribe uniformity.

695 To return now to the oath itself: after it was taken, the fqih, 793 who had witnessed it, drew up a document (tibriyith, "letter") in Arabic certifying that the defendant, whom he named, had sworn on such and such a date to the effect that he had not committed such and such 212 a crime: he (the fqih) then appended the names of the latter's cojurors, as well as that of the plaintiff. Finally, he gave this document to the defendant so that the latter could produce written evidence of his innocence.

pick up his rifle in defense of justice (a few days of visiting, free food, participation in the sharing of the fines, and even a raid, if this be the case). In the latter instance, everyone was (translator's italics) interested and desired to see justice done (with concomitant benefits of a meal and collecting one's own share of the fine).

Rifian law, according to note 7, is definitely superior (sic) to European law, because it obliges anyone who submits to it only to accept it and to agree to its fulfillment, accepting beforehand the sanctions which it establishes.

It is in these qanuns that Rifians may see sharply reflected who exactly are the men of prestige in the group to which they attach themselves and even the order of preference, by means of the names which figure in them; but we must not lose sight of the fact that they are edited by tulba of childish mentality (sic), a mentality deformed by their Islamic education; and that these tulba do not even translate Berber conceptualizations into their Arabic writing, as may be observed in other qanuns, thus altering the natural order in favor of their religious inclinations.[26]

Nobody believes, then, that such individuals cited in the first place figure in the documents for reasons of religiosity, but for the convenience of the ingharen who, jealous of their prestige, would have promoted interminable altercations in order to be first, in their jealous egalitarianism, and the necessity, which they saw themselves in order to avoid it, of putting above their disputes and petty jealousies individuals of neutral appearance, such as tulba, to officiate as the pacifying presidents of their stormy council-meetings (igrawn).

621 which make up the said jma'th; they are at the same time the most
613
554 influential and respected members of the community. Without any
[182] presidency, without rigid formalities, without oceans of ink or ridiculous voting techniques, this democracy of lineages, galled by necessity and convenience, knows how to unite the established social norms which have to regulate, in what follows, the relations between the different lineages.

671 It is thus a people's law, made by representatives of the
621 community, surrounding the act in which it is originated with all
181 the guarantee and formality for the satisfaction of the always suspicious mass and for the possible waylaying (in ambush) of its repre-
792 sentatives. For this, and as a guarantee, a greater solemnity and
621 public knowledge, two holy men are invited to and attend the meeting;
692
554 they will keep the session from degenerating into a dispute because of the prestige which they enjoy, for the conclusion of the agreement, under which they place themselves, assures their guard and divine benediction. Even the most exigent will remain satisfied, closing the
792 road to backbiting. Even more, in order to avoid forgetfulness or
621 capricious modifications in matters of such transcendence, they draw
692
212 it up in writing; it is easy to understand the genesis of the agreement
671 and the development of the session in which it is taken. From that
527 time to this, it is public feasting, a subject for all the commentaries
521
571 in the village (households, watering places for women, and mosques), such as the numerous thefts in and damages to the orchards, the harvests of which are ready and which they fear will be wasted; these are events which are repeated every year at the same time and for which they are obliged to assemble in order to keep them down.

623 182 own circumstantial interest, their councils and the agreements fallen back upon in them lacked that breadth and generality which would have been needed for a longer duration in any jural operation. In a short time, new, unspecified cases or prejudice among the influential men brought their usefulness to an end and necessitated their being redrafted, in which previous experience, the analysis of which was discarded in order to resolve the question of the moment, did not play a part.

671 212 For this reason written laws in the Rif are rare, of only relative value and minimal jural operation, which did not go beyond the time it took the minors (author's italics), the small ones, to forget the announcement of the majors (author's italics) by the criers in the markets to reach their hands.

671 They do not have the severity of European law which, even though drafted in moments of emotion, gathers up and encloses in itself principles of general usefulness, a usefulness which does not necessarily exist at the time of codification but which comes into play with possible and presumable variations which later times can introduce, by which, with the prolongation of their legal operation, their disclosure and exemplarity increase, resulting in the slow but sure advance of society.

5. QANUN OF THE JAMA'A OF TAMASINT (AITH WARYAGHAR):

671 695 621 623 A) Qanun:

(Blanco: paragraph a) Praise be to God.--Copy.--In front of both witnesses testifying at the present act, those of the jama'a of Tamasint as-Sifli, Lower Thamasind, appeared for judgment, including:

671 794 212 In these childish (sic) legislators we may observe the suspicions and fears which the poor tulba plant with their confused drafts of these qanuns, drafts which they never succeed in becoming satisfied about; for they see themselves bound to the impossibility of correcting their vague and hazy language and can only modify it with addenda which for the most part only give rise to new and further confusions. But this is not the fault of the man who grasps his rifle, but rather of him who wields the pen.

671 [621] [623] [614] We see in this clan qanun how it refuses to concern itself with matters that fall within the exclusive competence of the jma'th, which has its own independent life[50], as the final step of Berber anarchy (sic). Thus, for example, it says nothing about irrigation, orchards or fields, hospitality, education, grazing lands, collecting and gathering, etc., and neither does it enter into private rights, personal and successoral law. It limits itself, rather, to regulating the coexistence of its component jma'ths, lineages and individuals in the only places where they come together (i.e. markets).

671 183 It is also to be seen that the social or public law which this qanun represents is inspired by norms which are more elevated through the non-admission of compensation, such as blood-spilling, in cases of common prestige (murder in the market) without, at the same time, ceasing to be inspired by norms more humanitarian than the private rights admitted by vengeance and reprisal, to which the codes of social units like this one are opposed,.....

671 614 613 182 So that, while the qanuns of clans tend toward the clans' preservation, they develop solidarity, and neutralize the rivalries of

knows how to listen to, attentively and curiously, with a composure, artfulness and incomprehension which is charming, so that he may interpret it later on according to his whim, and with such freedom that no one could recognize it if there were anyone in this happy land to whom the idea of losing time through research might occur.

The memory of Rifians is of a shocking fragility for whatever does not interest them or is lacking in precise outline.....

693 671 212 How many disputes and fights the talib-editor might have avoided if he had had the least idea of the transcendence of his writing and of his notarial function, and if he had listed, instead of his dull litany of names, that by which "they established a qanun for all in general", from which he shows no more than four examples (author's italics), and these very entangled!

693 212 Undoubtedly the first man to be convinced of his uselessness and transitoriness as a legal recorder was the neglected talib-editor himself. He would not judge it opportune to bother about this, knowing the slight value which Rifian society attached to proof written down by the cunning tulba, to whom it only apportioned snares and delusions. Perhaps intentionally in order to convert himself into the sacred repository of all the juridical sciences of the Aith Khattab, a pre-eminent post, he saw himself as an obligatory consultant for all the disputes among his forgetful constituents, for these would require his testimony and assure him of a certain measure of preponderance, especially sacerdotally, aside from an obligatory invitation to a final meal. All conjectures fit, from that of ignorance to that of gluttony. What is certain and unpardonable is that this voluntary omission deprives us today of tasting the needs which they felt and the form in which they sought to remedy them. -322-

Fines to be imposed:

Harka members: for each day of absence, two (days to be served) in the harka, and a fine of 2 duros.

Qa'ids of 25 men: the same, with a fine of 3 duros.

Qa'ids of 50 men: the same, with a fine of 4 duros.

Qa'ids of 100 men: the same, with a fine of 5 duros.

Qa'ids of 200 men: the same, with a fine of 6 duros.

This is an order emanating from the fortunate Makhzin (i.e. of 'Abd al-Krim). May God protect it. In Taghzut on Ramadan 23, 1344 (March 8, 1926). By order of 'Abd al-Karim bin Ziyan.[110]

12. DOCUMENT OF EXEMPTION FROM PAYMENT OF TAXES[111]:

Praise be to the one God. The blessings of God be upon our (lord) Muhammad, his family and friends.

It shall be known through the present document that we, taking into consideration the services rendered to the Makhzin and the taxes which because of hospitable attentions with warlike objectives (holy war) weigh upon the bearers, the sons of the late Si Ahmad bin Si 'Ali al-Tawti are exempted by us from the contributions concerned....The 'amil, in virtue of this, orders that they not be asked of them....And the peace.

Safar 18 of the year 1341 (October 10, 1922). Muhammad bin 'Abd al-Karim al-Khattabi, may God be with him, amen. (Signed and sealed).

13. QANUN OF THE SEA--AITH WARYAGHAR[112]:

A) The Boat Owner:

He owns the boat (agharrabu, pl. igharruba)[113], acquired by transfer, sale, already used or repaired by carpenters on the beach, of whom there are still a few[114].

The jma'ths agree on the amount of the fines to be imposed for infractions of these rules, especially those having to do with the freedom of women, forbidding the men either to come near them or to remain in those paths which lead to their washing or bathing sites. Ordinarily, in this case, a turn is set up for a boy to act as guard, at a prudent distance from the site, if the latter by its topographical situation or by its distance from the village renders such a move necessary.

D) Irrigation in General:

The utilization of water in the Central Rif, particularly among the Aith Waryaghar, is the object, in both general and particular cases, of agreements between the users; these agreements are made at the beginning of the summer for those water points which have a small or intermittent flow and which are of short duration. These agreements are also usually unwritten, and they deal with the following points: 1) dams, 2) network of irrigation ditches, 3) repairs to ditches, 4) turns (nubth, pl. nubath) of those who irrigate, and 5) infractions and sanctions.

The labor as well as the necessary repairs are done by compulsory personal service (twiza)[119] and proportional contributions on the part of the irrigators. Any ditches which need special work done on them, such as bridges or retaining dams, are previously agreed upon to be done by contract with master-masons, with the cost of the materials included.

Infractions are usually reduced to: 1) appropriation by anyone of a turn or turns of water outside or exceeding his own, and 2) differences and disputes which during the "Republik" were settled

312 into the sea, in order to really listen and take notice at last of
133 the song of the Ghis, the activity and human ingenuity, the fertilizing mission of the water, the utility of the same, the gentleness of the countryside, the density of the population, the happiness (by comparison) of the orchards and gardens, the wealth and well-being, the convenience for (administrative) functionaries, the advantages of technology and the necessity of associating oneself with humans.[126]

312 In its long course the Ghis provides the water to turn 55 Rifian
402 turbine mills (1935).[127]

312 In Bu Harishen, on the left bank of the Lower Ghis, upstream from
[103] the bridge over the river, is where this river begins its well-performed work, bored by its useless rambling, acquires freedom, jumping from its bed to spill itself over in equal parts into the three principal ditches, l-Bzimma, "the tied-up"[128], on its left bank, and Bulma'iz and Thafadhna on its right. The regimen of these ditches is indicated below and their mean longitude is some six kilometers.

[103] Sidd Dharga nl-Bzimma (l-Bzimma): "the tied-up", which takes its name from that of the ancient ruined city, al-Mazimma[129], on its left bank. Its flow is one-third of the permanent intake of the dam at
[212] Bu Harishen. There is a written document which regulates distribution of its water and proves its rights to property.[130] It empties (into the Mediterranean) at the height of the ruined castle of the Mujahidin[131] on the beach, in front of the old Peñón de Alhucemas (Isle of al-
[402] Husaima). It moves a mill belonging to the Qa'id Sriman r-Khattabi and to Muhand Ushshan.[132]

haggling over the price, with each side naturally hoping to achieve the best terms. Negotiations can break off at this point but it is considered extremely bad form and every effort is made by representatives of both sides to arrive at an equitable sum. I knew of no sdaq which was less than 500 dirhams ($100) and the average seemed to fall between 500 and 1,000 dirhams with some payments going up to 3,000. Hart (1956:170) puts the average at between $50 and $125. The divergence of our figures no doubt stems from monetary changes over the past ten years. Hart's figures were based on the Spanish peseta, which was the form of currency up until 1958 in the Rif. My own figures are based on Moroccan dirhams established on a parity with French francs. With the incorporation of the Spanish zone into the more prosperous French zone, prices for all goods have drastically spiraled upward in the northern zone over the past ten years. Hart is in agreement with my notion that these sums represent a considerable expense to the Berbers.

During the negotiations a fqih is present to write down the ultimate agreement over each item, whether it be ceremonial expense or sdaq. He also acts as a mediator, being presumably the only disinterested party present. When the final sum is determined, and this may take many hours and last till dawn of the next day, the fqih draws up a marriage contract. Cash for the sdaq is supposed to be turned over then, but on occasion only a part is exchanged. All the men shake hands and,

346 794 The religious function of the mosque is by no means its most important. It also serves as the location for the Koranic school which as recently as ten years ago was the only sort of education provided for the children of the fellah. In areas where population density is high, the government has set up secular schools (658) [178] which all but replace the Koranic education. The mosque is also used as the place for public assembly of the community.

The mosque is built and kept in repair by the men of the community either through their own labor or through subscription to hire a professional master builder. The property belongs to 346 794 the mosque, generally from specific inheritance provisions. Many 423 larger property owners wishing to pave their way to paradise by (425) some act on earth will donate property to religious organizations. [782] Crops are grown on this bequested territory which serve to meet [241] some of the expenses of the religious man in charge of the mosque.

793 The mosque is presided over by a fqih, a learned man who (212) has had Koranic education and knows how to read and write Arabic. (794) He delivers the weekly sermon and provides lessons to the youth in Koranic education. It is the obligation of every married man 793 794 within the area served by the mosque to make an annual donation 465 to the mosque to provide for the fqih. The amount, while generally the same for all family heads, is not permanently fixed and can be adjusted according to how good or bad the crop yield was from the preceding year. In the year I was present the community assembly assessed a total of 25 kilos of barley to each man. The fqih also receives weekly donations of eggs from his

7: Mikesell K-4,5 (1955-1957) 1961 MX3 Rif MX3

thetic to Moroccan or "Arab" nationalism, refer to a "Berber myth" and refuse to recognize any ethnic division in the country.[8] The *politique berbère* may have had its faults, but this fact does not mean that we should rewrite Moroccan history.

Berber dialects are still spoken by six to seven million people, including about 45 per cent of the population in Morocco, about 30 per cent in Algeria, and about 2 per cent in Tunisia.[9] Berber dialects are spoken also in the Jabal Nefusa and the Siwa oasis in Libya,[10] and on the southern fringe of the Sahara. The Berber language once extended to the Canary Islands.

The Berber-speaking peoples of northern Africa are now concentrated in five groups: Rifians, Braber, Shluh, Kabylies, and Shawiya (fig. 9). They are chiefly mountaineers, and all but the Braber, who practice transhumance, are sedentary farmers. The other groups include the Ghmara, who are almost completely Arabized, the tribesmen of Sanhaja as-Srair, a small colony on the island of Jerba, the Tuareg of the central and southern Sahara, and the inhabitants of the oases of Mzab, Touggourt, Ouargla, Ghardaia, Figuig, Gourara, and Touat.[11]

The original home of the Berber language is unknown, but scholars believe that it is most nearly related to Ancient Egyptian, Cushite, and certain of the Chad languages, which are traditionally but perhaps improperly called Hamitic.[12] This relationship reinforces the theory advanced by archaeologists that the Neolithic of northern Africa shows Egyptian influence.[13] In spite of a bewildering number of dialects, which is normal for an ancient language without literature, Berber can be divided into three groups: Masmuda, Sanhaja, and Zenata.[14] Masmuda was the language of the majority of the sedentary farmers before the Arab invasion. The Shluh and the Ghmara speak it today; Rifian is thought to be a mixed form. The Sanhajan dialect was the speech of the transhumants and nomads. It is now spoken in northern Morocco (Sanhaja as-Srair), in the Middle Atlas, and by the Kabylies, Shawiya, and Tuareg. Zenatiya, formerly confined to the high plateaus of Algeria and the Oujda region, has spread to many of the Saharan oases, including distant Siwa. Because of natural population growth the number of Berber speakers has increased, but the area of Berber speech has lost ground to Arabic. In fact, since the Muslim conquest Berber has gained ground only in Negro Africa, where some tribes in the Niger Territory and the French Sudan have adopted the Tuareg dialect. Without fixed grammar or an effective system of writing, Berber could not compete with the language of the Prophet.[15]

[8] Marvine Howe, "The Birth of the Moroccan Nation," *Middle East Jour.*, 10 (1956), 1–16.

[9] G. H. Bousquet, *Les Berbères* (Paris: Presses Universitaires de France [collection "Que Sais-Je?"], 1957), pp. 16 ff.

[10] Louis Dupree, "The Non-Arab Ethnic Groups of Libya," *Middle East Jour.*, 12 (1958), 33–44.

[11] On the distribution of Berber speech, see also André Basset, *La langue berbère* (London: Oxford University Press, 1952).

[12] J. H. Greenberg, *Studies in African Linguistic Classification* (New Haven: Compass Publishing Co., 1955). First published in *Southwestern Jour. Anthro.*, 5, 6, 10 (1949–1954).

[13] Egyptian influence on north African rock art is examined in Raymond Vaufrey, "L'art rupestre nord-africain," *Archives de l'Institut de Paléontologie Humaine*, Mémoire 20 (1939). The most striking evidence of direct influence is the presence in Algeria of rock drawings of rams wearing the solar disk associated with the worship of Re. When worn by the ram, which was sacred to Amon of Thebes, it indicates Amon-Re, the composite god of Egypt during the New Kingdom (1600–1100 B.C.).

[14] These are the major genealogical divisions of Ibn Khaldun. Strictly speaking, it is not correct to use this division in linguistic classification.

[15] The only system of writing at the time of the Arab conquest was the Libyco-Berber alphabet used in rock art. This alphabet was probably developed from ideas borrowed from the Phoeni-

7: Mikesell K-4,5 (1955-1957) 1961 MX3 Rif MX3

In addition to a common language, certain other culture traits are shared by most Berbers. The Berber arts still differ from the Islamic arts acclimatized in Barbary. Designs on pottery, rugs, and blankets are almost entirely in geometrical patterns. Nothing could be clearer than the contrast between the lozenges and chevrons of Berber work and the complicated floral and epigraphic designs of Levantine art. The simple houses of the Moroccan highlands probably are local variants of the prevalent Mediterranean types, but the multistoried buildings of rammed-mud blocks in southern Morocco show eastern affinity. Indeed, no traveler who has seen the Moroccan *qsar* and the "skyscrapers" of southern Arabia can fail to be impressed by the similarity of the two.[9] Similarity of this sort suggests diffusion of style and techniques from a common center, possibly eastern Africa, which may also have been the main center of the "Hamitic" languages.

A few nonmaterial traits also can be associated with Berber speakers. We can still discern among them the remains of an agrarian animism. The ceremonies that seek to obtain through rain, considered as the male element, the fecundity of the soil, which represents the female, are doubtless of this category. Wherever Berber is spoken, the important events are reckoned by solar months, not by the Muslim lunar calendar.[10]

Until recently the social organization of most Berber-speaking communities differed from the Arab or Muslim order.[11] The Berber districts were characterized by extreme fragmentation into small units, each guided by ideals of independence and self-sufficiency.[12] The cell of each unit was the family. Several families formed clans, with about a hundred members who traced their descent from a common ancestor. In the regions of deep-rooted peasantry, particularly in the mountains, groups of related people were linked by means of assemblies composed of delegates from each family.[13] The function of the assembly was to regulate the tasks and taxes of the community. To ensure the execution of decisions and to facilitate relations with other assemblies, a chief, or elder (*amghar*), was appointed, but he was only the delegate of the assembly and every precaution was taken to prevent aggrandizement of his powers. A prudent rotation arranged for the representatives of the principal families to take office in turn. The territory governed by the

cians. In modified form, it is still used by the Tuareg. G. Marcy, "L'épigraphie berbère numidique et saharienne," *Annales de l'Institut d'Études Orientales*, 2 (1936), 128–164; F. R. Wulsin, "The Prehistoric Archaeology of North-West Africa," Peabody museum of Archaeology and Ethnology, *Papers*, 19 (1941), 111–114.

[9] Cf. the photograph of San'a in Harry Hoogstraal, "Yemen Opens the Door to Progress," *Nat. Geog. Mag.*, 101 (1952), 238, and of Tinerhir in Jean and Franc Shor, "From Sea to Sahara in French Morocco," *ibid.*, 107 (1955), 178–179.

[10] Other examples of pagan survivals in Morocco are given in three works of Edward Westermarck: *Ceremonies and Beliefs Connected with Agriculture, Certain Dates of the Solar Year, and the Weather in Morocco* (Helsinki: Akademiska Bokhandeln, 1913); *Ritual and Belief in Morocco* (London: Macmillan and Co.; Ltd., 1926); and *Pagan Survivals in Mohammedan Civilization* (London: Macmillan and Co., Ltd., 1933).

[11] The remarks to follow are based upon Robert Montagne's *Les Berbères et le makhzen dans le sud du Maroc: essai sur la transformation politique des berbères sédentaires (groupe Chleuh)* (Paris: Alcan, 1930).

[12] I use the past tense because the French-sponsored *dahir* of May 16, 1930, which called for a division of Morocco into two districts, one under Qur'anic and the other under tribal law, was repealed on September 4, 1956. Under the present system the functions of the assemblies are exercised by officials appointed in Rabat.

[13] With excellent insight, Konrad Wiche, "Marokkanische Stadttypen," in *Festschrift zur Hundertjahrfeier der geographischen Gesellschaft in Wien, 1856–1956* (Vienna, 1957), p. 492, describes the Berber assemblies as *Talschaften* (valley associations).

1: Coon E-5 (no date) 1951 M1 Middle East
Ref mx3

173 the valley for prayer, he shot their schoolmaster and two others be-
628 fore his rifle jammed, and he wept.

Now the Tadmutis laid a shame compulsion on Bukkeish's men at the foot of the valley by slaughtering an ox on their mosque door, and more blood was shed, until finally the councilors convened from hill and valley, to sit like birds of prey at the scene of slaughter. Many angry words were said; finally a decision was made. The Ulad 'Abd el-Mumin had committed sacrilege by killing men, however much they deserved to die, on the holy feast day which the Prophet had designated as the end of the pilgrimage. For sacrilege there was only one punishment, exile. Leading a few thin cows the women of the Ulad 'Abd el-Mumin and the few men who remained alive climbed the path out of the valley, with the smoke of their houses rising behind them. One day they returned, but that is another story. In the meantime they lived in a village outside of Fez with other exiled Riffians, caring for the olive trees of rich Arabs and dreaming of revenge. Not all returned, and their children and grandchildren may be seen, blue eyed and yellow turbaned, near the Bab Gīsa in Fez.

621 This true story illustrates the Riffian system of government. The
614 unit of society above the family is not the village, but the clan, which
● 212 owing to the linear nature of the arable land, spread along narrow
191 watercourses, may be housed in several separate clusters of houses. Each clan has its own schoolmaster, who is also registrar of deeds, since he is always literate. Many of the other men are also. While their spoken language is Berber, they write in Arabic, usually more classical than the daily speech of the Moroccan Arabs, which but few of them can understand. Each village also has a blacksmith, a Negroid whose home is in Targuist, the arsenal tribe of 'Abd el-Krīm.

621 In each cluster one village stands out as the seat of a Friday
778 mosque, usually maintained by a holy descendant of even holier
792 saints, whose tombs adorn the landscape and serve as minor places of pilgrimage, especially by women. Up in the tribes of Beni Amart and Targuist several mutually related families of murabiṭīn, the Ikhemrijen, dwell in green-roofed edifices built by Spanish renegades.

623 The village needs no council because all the men are kin, and
867 there are no wards or sofs to split them. Rarely do the men number more than two or three dozen. The schoolboys, sitting in the mosque, play at government, with a mock Asht Arba'in of their own. On